

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 DHA-02 CIAE-00 PM-04 H-01
INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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INFO SECDEF WASHDC
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LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 4170

DOD ALSO PASS TO AF/JA, NAVY FAG, DAJA-IA, DCPA

E.O. 11652: N/A
TAGS: ICRC, PARM, PFOR
SUBJECT: CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW

REF: GENEVA 4167

1. SWEDEN HAS DISTRIBUTED A PROPOSAL ENTITLED "POSSIBLE ELEMENTS
OF A PACKAGE AGREEMENT ON REVIEW MECHANISM AND "FOLLOW-UP" IN THE
CONVENTIONAL WEAPONS FIELD" WHICH WOULD INVOLVE THE FOLLOWING:

A. REPLACEMENT OF ARTICLE 86 BIS BY A NEW ARTICLE 33 BIS TO READ
AS FOLLOWS:

EGIN TEXT

THE HIGH CONTRACTING PARTIES AGREE THAT THE QUESTION OF
PROHIBITION OR RESTRICTION OF USE OF CERTAIN CONVENTIONAL
WEAPONS FOR HUMANITARIAN REASONS WILL BE THE OBJECT OF
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PERIODIC INTERNATIONAL REVIEW AND OF POSSIBLE INTERNATIONAL
AGREEMENT.

END TEXT

B. ADOPTION BY THE CONFERENCE OF THE FOLLOWING RESOLUTION:

BEGIN TEXT:

RESOLUTION DIRECTED TO THE SWISS FEDERAL GOVERNMENT

THE DIPLOMATIC CONFERENCE OF THE REAFFIRMATION AND
DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE
IN ARMED CONFLICTS

HAS ADOPTED THE FOLLOWING VOEU WHICH IS DIRECTED TO THE
SWISS FEDERAL GOVERNMENT AS HOST OF THE CONFERENCE AND AS
DEPOSITARY OF THE GENEVA CONVENTIONS AND THEIR ADDITIONAL
PROTOCOLS:

1. EVERY FIVE YEARS AFTER THE ADOPTION OF THIS VOEU THE
DEPOSITARY SHOULD ADDRESS A LETTER TO ALL PARTIES TO THE
GENEVA PROTOCOLS OF 1977, INQUIRING WHETHER THEY WISH A
CONFERENCE TO BE CONVENED TO EXAMINE WHETHER NEW RULES OR
REVISION OF EXISTING RULES ON THE PROHIBITION OR RESTRICTION
OF USE OF SPECIFIC CONVENTIONAL WEAPONS ARE DESIRABLE AND
POSSIBLE.

2. IF AFFIRMATIVE REPLIES ARE RECEIVED BY 20 PARTIES,
THE DEPOSITARY SHOULD CONVENE A CONFERENCE AND INVITE ALL
THE PARTIES TO THE GENEVA CONVENTIONS OF 1949 AND THE GENEVA
PROTOCOLS OF 1977.

THE COST OF THE CONFERENCE SHOULD BE BORNE BY THE PARTICI-
PANTS ON THE BASIS OF VOLUNTARY CONTRIBTUIONS.

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3. THE DEPOSITARY SHOULD PREPARE RULES OF PROCEDURE AND
PROGRAMME OF WORK FOR SUBMISSION TO THE CONFERENCE WHICH
WOULD DECIDE ON THESE MATTERS AS WELL AS ON THE QUESTION
WHETHER SEPARATE MEETINGS OF EXPERTS SHOULD BE CALLED.

4. AT ANY TIME, AFTER THE ADOPTION OF THIS VOEU, THE
DEPOSITARY SHOULD CONVENE A CONFERENCE IN ACCORDANCE WITH
ARTICLES 3 AND 4, IF A REQUEST TO THIS EFFECT IS DIRECTED
TO THE DEPOSITARY BY 40 PARTIES TO THE GENEVA CONVENTIONS
OF 1949 OR THE ADDITIONAL PROTOCOLS OF 1977.

END TEXT

C. ADOPTION BY THE CONFERENCE OF A SECOND RESOLUTION CONTAINED
IN DOCUMENT CDDH/411, WHICH FOLLOWS:

BEGIN TEXT

ALGERIA, AUSTRIA, COLOMBIA, EGYPT, KUWAIT, MEXICO, NICARAGUA,

NIGERIA, ROMANIA, SWEDEN, SWITZERLAND, YUGOSLAVIA

THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT
OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS,

HAVING MET AT GENEVA FOR FOUR SESSIONS, IN 1974, 1975, 1976
AND 1977, AND HAVING ADOPTED NEW HUMANITARIAN RULES RELATING
TO ARMED CONFLICTS AND METHODS AND MEANS OF WARFARE,

TAKING INTO ACCOUNT UNITED NATIONAL GENERAL ASSEMBLY RESOLUTION
31/19 AND THE PPEAL OF THE FIFTH CONFERENCE OF HEADS OF STATE OR
GOVERNMENTS OF NON-ALIGNED COUNTRIES, HELD IN COLOMBO FROM
16 TO 19 AUGUST 1976, WHICH URGED ALL STATES TO ACCELERATE NEGOTIATIONS WITH A VIEW TO SECURING, AS RAPIDLY AS POSSIBLE AND WITHIN THE CONTEXT OF THE DIPLOMATIC CONFERENCE, THE PROHIBITION OF CERTAIN CONVENTIONAL WEAPONS OF AN INDISCRIMINATE OR CRUEL NATURE, PARTICULARLY NAPALM AND OTHER INCENDIARY WEAPONS,
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CONVINCED THAT THE SUFFERING OF CIVILIAN POPULATION AND COMBATANTS COULD BE SIGNIFICANTLY REDUCED IF AGREEMENTS CAN BE ATTAINED ON THE PROHIBITION OR RESTRICTION FOR HUMANITARIAN REASONS OF THE USE OF SPECIFIC CONVENTIONAL WEAPONS, INCLUDING ANY WHICH MAY BE DEEMED TO CAUSE UNNECESSARY SUFFERING OR TO HAVE INDISCRIMINAT EFFECTS,

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NOTING THAT THE DISCUSIOONS AND PROPOSALS REGARDING PROHIBITION OR RESTRICTION OF USE FOR HUMANITARIAN REASONS OF CERTAIN WEAPONS HAVE FOCUSED ON NAPALM AND OTHER INCENDIARY WEAPONS, INDISCRIMINATE METHODS OF USING LAND MINES, ON PERFIDIOUS WEAPONS AND WEAPONS WHICH RELY FOR THEIR EFFECT UPON FRAGMENTS INVISIBLE ON X-RAY, ON CERTAIN TYPES OF SMALL CALIBRE PROJECTILE WHICH MAY BE ESPECIALLY INJURIOUS AND ON CERTAIN BLAST AND FRAGMENTATION WEAPONS.

HAVING CONCLUDED, FROM THESE DISCUSSIONS, THAT AGREEMENT EXISTS ON THE DESIRABILITY OF PROHIBITING OR RESTRICTING THE USE OF CONVENTIONAL WEAPONS, THE PRIMARY EFFECT OF WHICH IS TO INJURE BY FRAGMENTS WHICH ESCAPE DETECTION BY X-RAYS, AND THAT THERE IS A WIDE AREA OF AGREEMENT WITH REGARD TO LANDMINES AND CERTAIN EXPLOSIVE DEVICES,

HAVING ALSO DEVOTED EFFORTS TO THE FURTHER NARROWING DOWN OF DIVERGENT VIEWS ON THE DESIRABILITY OF BANNING THE USE OF LIMITED OFFICIAL USE

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INCENDIARY WEAPONS, INCLUDING NAPALM, AS WELL AS TO THE POSSIBILITIES OF RESTRICTING THE USE OF OTHER CONVENTIONAL WEAPONS, SUCH AS SMALL CALIBRE PROJECTILES, FLECHETTES AND FUEL AIR EXPLOSIVES,

HAVING CONCLUDED, THEREFROM, THAT CERTAIN SPECIFIC CONVENTIONAL WEAPONS SHOULD WITHOUT DELAY BE THE SUBJECT OF AGREEMENT ON PROHIBITION OR RESTRICTION OF USE FOR HUMANITARIAN REASONS AND THAT RENEWED EFFORTS TO THIS AIM ARE CALLED FOR,

1. REQUESTS THE SECRETARY-GENERAL OF THE UNITED NATIONS TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-SECOND SESSION ON ASPECTS OF THE WORK OF THE DIPLOMATIC CONFERENCE, RELEVANT TO THE PRESENT RESOLUTION,
2. DECIDES TO TRANSMIT TO THE GENERAL ASSEMBLY ALL REPORTS, RECORDS AND PROPOSALS CONCERNING SUCH WEAPONS EMANATING FROM THE DIPLOMATIC CONFERENCE AND THE 1975 AND 1976 LUCERNE AND LUGANO CONFERENCES OF GOVERNMENT EXPERTS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS,
3. INTIES THE GENERAL ASSEMBLY AT ITS THIRTY-SECOND SESSION TO TAKE THE NECESSARY STEPS AND TO DECIDE ON THE MODALITIES FOR

THE CONVENING, IN EARLY 1979 AT THE LATEST, OF A CONFERENCE OF
PLENIPOTENTIARIES TO CARRY ON THE WORK INITIATED BY THE
DIPLOMATIC CONFERENCE AND ITS AD HOC COMMITTEE WITH REGARD TO
THE PROHIBITION OR RESTRICTION OF USE OF CERTAIN SPECIFIC
CONVENTIONAL WEAPONS, WITH A VIEW TO REACHING AGREEMENT ON THE
PROHIBITION OR RESTRICTION OF USE FOR HUMANITARIAN REASONS OF
SUCH WEAPONS, AND IN THIS CONTEXT, TO ENSURE THAT THE RULES OF
PROCEDURE ADOPTED BY THE DIPLOMATIC CONFERENCE SHOULD APPLY
ALSO TO THAT CONFERENCE.

END TEXT.

2. COMMENT: SECOND RESOLUTION IS OBVIOUSLY UNACCEPTABLE IN
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MANY RESPECTS. IT WILL PROBABLY BE PRESSED TO A VOTE IN
PLENARY REGARDLESS OF WHAT HAPPENS TO PROPOSED ARTICLE 86 BIS.
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